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Tabitha A. Trice  
FACSIMILE OPERATOR

**ATTACHMENT/S: OFFICIAL PRELIMINARY AMENDMENT**

**MESSAGE:**

In re PATENT APPLICATION OF:

CHRISTOPHERS et al

Serial No.: 09/833,799

Filed: April 13, 2001

For: POLYPEPTIDES AND POLYPEPTIDE ANALOGUES

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

CHRISTOPHERS et al

Atty. Ref.: 3774-4

Serial No.: 09/833,799

Group Art Unit: 1645

Filed: April 13, 2001

Examiner: Unknown

For: POLYPEPTIDES AND POLYPEPTIDE ANALOGUES

\* \* \* \* \*

January 25, 2002

AMDT / Selection  
W/A  
Linda  
1/30/03

PRELIMINARY AMENDMENT

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Sir:

Kindly preliminarily amend this application as follows.

IN THE CLAIMS:

✓ 21. (New) An isolated nucleic acid comprising the nucleotide sequence shown in Figure 13 or fragment thereof that encodes a polypeptide that possesses inhibitory activity against human leukocyte elastase.

✓ 22. (New) The isolated nucleic acid according to claim 21 wherein said polypeptide has the amino acid sequence shown in Figure 13.

CHRISTOPHERS et al. Serial No.: 09/833,799

✓ 23. (New) An isolated nucleic acid encoding the amino acid sequence shown in Figure 13 or fragment of said sequence that possesses inhibitory activity against human leukocyte elastase.

✓ 24. (New) An expression vehicle comprising a nucleic acid comprising the nucleotide sequence shown in Figure 13 or fragment thereof that encodes a polypeptide that possesses inhibitory activity against human leukocyte elastase.

✓ 25. (New) An expression vehicle comprising a nucleic acid encoding the amino acid sequence shown in Figure 13 or fragment of said sequence that possesses inhibitory activity against human leukocyte elastase.

REMARKS

Favorable consideration of this application and entry of the foregoing amendments are respectfully requested. The newly presented claims find support throughout the disclosure.

CHRISTOPHERS et al - Serial No.: 09/833,799

An early and favorable Action on the merits is  
awaited.

Respectfully submitted,

**NIXON & VANDERHYE, P.C.**

By

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#11

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF

CHRISTOPHERS et al

Atty. Ref.: 3774-4

Serial No.: 09/833,799

Group Art Unit: 1645

Filed: April 13, 2001

Examiner: Duffy, P.A.

For: POLYPEPTIDES AND POLYPEPTIDE ANALOGUES

\* \* \* \* \*

January 29, 2003

**RESPONSE**

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

Sir:

This is in response to the Examiner's requirement for restriction, set forth in the Office Action dated October 29, 2002, in the above matter, the period for response having been extended up to January 29, 2003, by submission of the required petition and fee herewith. Applicants elect the subject matter of Group II (claims 8-13 and 15-18) for prosecution in this application, with the understanding that claims 21-25 (added by Preliminary Amendment on January 25, 2002) are included in Group II (a copy of the Preliminary Amendment and facsimile receipt evidencing the filing of same are attached). Should the Examiner take the view that claims 21-25 are not part of the elected invention, she is requested to issue a new restriction requirement that includes claims 21-25 and to set a new due date

CHRISTOPHERS et al -- Serial No.: 09/833,799

for response. Non-elected subject matter will be deleted in due course.

Respectfully submitted,

**NIXON & VANDERHYE, P.C.**

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